

**ARIZONA DEPARTMENT OF HEALTH SERVICES
DIVISION OF PUBLIC HEALTH SERVICES
OFFICE OF VITAL RECORDS
SUBSTANTIVE POLICY STATEMENT SP-064-PHS-VRS**

CLARIFICATION OF THE TERM "RESPONSIBLE PERSON"

This substantive policy is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes § 41-1033 for a review of the statement.

The purpose of this substantive policy statement is to notify the public of the Department's interpretation of the term "responsible person" as it applies to the completion and submission of a death certificate for registration when the authority to provide final disposition of human remains is assigned to an organ procurement agency pursuant to A.R.S. § 36-842 or 36-843.

A.R.S. § 36-301(28) defines a responsible person as "a person listed in A.R.S. § 36-831".

In A.R.S. § 36-831 the duty of burying the body or providing other funeral and disposition arrangement for a dead person devolves in the following order:

If the dead person was married, the surviving spouse,

If the dead person was a minor, the parents,

If the dead person have no surviving spouse, the adult children of the dead person,

If none of the persons named above, are financially capable of providing for the burial or other funeral and disposition arrangements, or cannot be located on reasonable inquiry, on any person or fraternal, charitable or religious organization willing to assume responsibility.

A.R.S. § 36-831 also contains provisions regarding county responsibility and financial responsibility for the disposition of human remains.

A.R.S. § 36-325(A) requires a funeral establishment or a "responsible person" who takes possession of human remains to complete and submit a death certificate for registration within 7 calendar days after receiving possession of the human remains.

Currently, human remains may be donated to an organ procurement agency. This may be done before or after the death of an individual. Before death, an individual may assign the responsibility for the final disposition of the individual's remains to another person such as an organ procurement agency, by executing a document of gift or informed consent consistent with A.R.S. § 36-842. If a deceased person has not signed a document of gift before death, then the surviving spouse, parent, adult child, or other third person listed in A.R.S. § 36-843, who is a member of the highest priority class, may assign, with a written consent, the responsibility for the final disposition of human remains to another person such as an organ procurement agency.

In these instances, when an organ procurement agency has been given consent to receive an anatomical gift and the consent includes the authority to act as the responsible person in the final disposition of the human remains, the organ procurement agency shall complete and submit a death certificate for registration within 7 calendar days of receiving the human remains.